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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 67 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ANIL STARCH PRODUCTS LTD.

Versus

COMMISSIONER OF INCOME-TAX

Appearance:

1. INCOME TAX REFERENCE No. 67 of 1987

MR MANISH J SHAH for Petitioner No. 1

MR MIHIR H JOSHI for MR MANISH R BHATT for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH
and
MR.JUSTICE D.A.MEHTA

Date of decision: 04/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this reference at the instance of the assessee, the following question is referred for our opinion in respect of assessment year 1981-82:-

"Whether, on the facts and in the circumstances of the case, the bonus share issue expenses of Rs.76,584/- were allowable revenue expenditure or capital expenditure?"

2. We have heard Mr. M.J. Shah learned counsel for the applicant-assessee and Mr. Mihir H. Joshi learned counsel for the revenue.

3. The learned counsel point out that the controversy raised herein is concluded by this Court in favour of the revenue in the case of Gujarat Steel Tubes Ltd. 210 ITR 358.

We accordingly answer the question in the negative i.e. in favour of the revenue and against the assessee.

4. The Reference accordingly stands disposed of with no order as to costs.

(M.S. Shah,J)

(D.A. Mehta,J)

zgs/-